

the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Southern Leader Brand Tomatoes Packed by W. H. Sanford, Tucker Hill, Va. [cut of red ripe tomatoes]."

It was alleged in the libel that the article was adulterated in that added water had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for canned tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 10, 1929, W. H. Sanford, Tucker Hill, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17345. Adulteration and misbranding of canned tomatoes. U. S. v. 823 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24187. I. S. No. 017075. S. No. 2426.)**

On October 29, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 823 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by E. Fallin & Bro., from Coan, Va., on or about September 21, 1929, and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Coan Brand Tomatoes Packed by E. Fallin & Bro., Coan Va. [cut of red ripe tomato]."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the designation "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, tomatoes.

On November 5, 1929, Eugene Fallin, manager of E. Fallin & Bro., Coan, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17346. Adulteration of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24794. I. S. No. 023405. S. No. 3103.)**

On or about April 24, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Worden Creamery Co., Worden, Mont., on or about April 15, 1930, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On April 25, 1930, the Worden Creamery, Worden, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a